

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

JOEL BECK.

Case No. 3:22-cv-00225-MMD-CLB

Plaintiff.

ORDER

NATIONSTAR MORTGAGE, d/b/a
MR. COOPER, *et al.*,

Defendants.

I. SUMMARY

The Court dismissed this action for lack of subject matter jurisdiction and directed entry of judgment in favor of Defendants on January 12, 2023. (ECF Nos. 16, 17.) Plaintiff filed a notice of appeal on February 10, 2023. (ECF No. 18.) On March 17, 2023, Plaintiff filed a notice of lis pendens. (ECF No. 22.) Defendants filed a motion to expunge the lis pendens (ECF No. 23), which the Court granted (ECF No. 24 (“Order”)). In response, Plaintiff filed another notice of lis pendens (ECF No. 26) and a motion to vacate the Order (ECF No. 25). These filings led to other motions (ECF Nos. 29, 30, 32) which the Court will now address.

II. DISCUSSION

A. Motion to Vacate Order (ECF No. 25) & Related Motion (ECF No. 30)

Plaintiff asks the Court to vacate the Order, arguing that the Court erred in finding Plaintiff consented to the granting of Defendants' motion to expunge the lis pendens by failing to oppose the motion. (ECF No. 25 at 1.) Plaintiff contends that Defendants failed to serve the motion. (*Id.*) Defendants acknowledge that their motion did not contain a certificate of service and that Plaintiff may not have been served the motion. (ECF No. 27 at 2.) But Defendants argue the Court should nevertheless deny Plaintiff's motion to vacate the Order. The Court agrees with Defendants because the Court granted the

1 motion to expunge for two reasons. The primary reason was "because the Court
2 dismissed this action (ECF No. 16) and entered judgment (ECF No. 17) in favor of
3 Defendants." (ECF No 24.) Because the Court's primary reason was based on the merits
4 of Defendants' motion, and not based on Plaintiff's failure to respond, the Court denies
5 Plaintiff's motion to vacate the Order. The Court also denies Plaintiff's related motion
6 asking the Court to grant his motion to vacate (ECF No. 30) as moot.

7 **B. Countermotion to Expunge Lis Pendens (ECF No. 29) & Related Filings**

8 Defendants ask the Court to expunge the second lis pendens that Plaintiff recorded
9 (ECF No. 26) after the Court granted the motion to expunge lis pendens. (ECF No. 29.)
10 The Court agrees with Defendants that because the Court fully resolved this case when
11 it dismissed the action and directed entry of judgment, the lis pendens must be expunged.
12 (*Id.* at 3.) Plaintiff's arguments, even considering the amended response (ECF No. 32-1),
13 are unpersuasive.

14 **III. CONCLUSION**

15 The Court notes that the parties made several arguments and cited to several
16 cases not discussed above. The Court has reviewed these arguments and cases and
17 determines that they do not warrant discussion as they do not affect the outcome of the
18 issues before the Court.

19 It is therefore ordered that Plaintiff's motion to vacate order (ECF No. 25) is denied.

20 It is further ordered that Defendants' counter motion to expunge lis pendens (ECF
21 No. 29) is granted. The lis pendens (ECF No. 26) is expunged.

22 It is further ordered that Plaintiff's motion for relief (ECF No. 30) is denied as moot.

23 It is further ordered that Plaintiff's motion to amend response (ECF No. 32) is
24 granted.

25 DATED THIS 15th Day of April 2024.



26
27 MIRANDA M. DU
28 CHIEF UNITED STATES DISTRICT JUDGE